

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

**ROBERTO ROQUE, JR.,**

Petitioner,

v.

Civil Action No. 3:19CV401

**HAROLD W. CLARKE,**

Respondent.

**MEMORANDUM OPINION**

Petitioner, a Virginia inmate proceeding *pro se*, submitted a petition for a writ of habeas corpus. On December 6, 2019, Petitioner moved to withdraw his petition for a writ of habeas corpus. *See Fed. R. Civ. P. 41(a)(2).* “A [petitioner’s] motion under Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to the [respondent].” *Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986) (citing *Kenrose Mfg. Co. v. Fred Whitaker Co.*, 512 F.2d 890, 895 (4th Cir. 1972)). Respondent has not suggested that he will suffer any prejudice. Accordingly, the Motion to Withdraw (ECF No. 14) will be GRANTED. The action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 10 January 2020  
Richmond, Virginia

